NEWS ANALYSIS NO. 1-1359 AUGUST 28, 1976
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KISSINGER AND THE LAW OF THE SEA

ANNCR:

SECRETARY OF STATE KISSINGER GOES TO NEW YORK NEXT WEEK (WEDNESDAY) TO CONFER WITH DELEGATES AT THE U.N. SPONSORED LAW OF THE SEA CONFERENCE. NEWS ANALYST FRED GALVAN EXAMINES SOME REASONS BEHIND THE KISSINGER ONE-DAY TRIP.

VOICE:

THE CONFERENCE IS IN A CRUCIAL STAGE--A STAGE IN WHICH NEGOTIATORS ON A COMPREHENSIVE LAW OF THE SEA ARE GRAPPLING WITH SOME OF THE MOST COMPLEX AND CONTROVERSIAL ITEMS ON THEIR AGENDA.

TWO SUCH ITEMS ARE THE SUBJECT OF HARD BARGAINING AMONG THE REPRESENTATIVES OF SOME ONE HUNDRED FIFTY NATIONS. THEY ARE--HOW TO REGULATE EXPLOITATION OF THE WORLD'S DEEP SEA-BED MINERAL AND OIL RESOURCES UNDER A SYSTEM FAIR TO ALL NATIONS, AND HOW TO REGULATE THE WORLD'S FISHERIES UNDER A SIMILAR REGIMEN. (OPT) WITH THREE WEEKS TO GO, THE CONFERENCE MUST SOLVE THE PROBLEMS SURROUNDING THESE TWO KEY ITEMS IF IT IS TO PRODUCE A CONSENSUS ON A DRAFT SEA LAW TREATY BY ADJOURNMENT TIME SEPTEMBER SEVENTEENTH. (END OPT)

ON THE DEEP SEA-BED RESOURCES ISSUE, THE CONFERENCE LINES UP SOMETHING LIKE THIS--THE UNITED STATES AND OTHER INDUSTRIALIZED NATIONS WOULD LIKE TO INSURE FAIR EXPLOITATION OF ITS RESOURCES UNDER A PARALLEL SYSTEM IN WHICH PRIVATE FIRMS AND AN INTERNATIONAL AUTHORITY WOULD MINE THE OIL AND MINERAL DEPOSITS. UNDER THIS FORMULA THE LESS DEVELOPED NATIONS AND LAND-LOCKED COUNTRIES WOULD BE PROTECTED THROUGH SHARES IN THE PROCEEDS FROM SUCH MINING OPERATIONS UNDER THE INTERNATIONAL AUTHORITY. OTHER NATIONS WOULD PREFER THE WHOLE OPERATION TO BE RUN BY THE AUTHORITY, AND STILL OTHERS--THE COMMUNIST STATES

OF EASTERN EUROPE AND THE SOVIET UNION--WOULD PREFER AN AUTHORITY THAT WOULD WORK WITH STATE-RUN ENTERPRISES.

ON THE FISHERIES ISSUE, ONE-THIRD OF THE CONFERENCE'S PARTICIPANTS--THE LAND-LOCKED NATIONS--WANT GUARANTEES THAT IF A CONSENSUS ESTABLISHES A TWO-HUNDRED MILE ECONOMIC SEA FOR COASTAL STATES, THEIR RIGHTS TO THE SEA'S SURFACE RESOURCES ARE PROTECTED. INDEED, THIS GROUP SERVED NOTICE FRIDAY THAT UNLESS THEIR RIGHTS ARE PROTECTED UNDER THE SEA-BED AND FISHERIES ARRANGEMENTS, THEY WILL WITHHOLD APPROVAL OF THE FINAL TREATY DRAFT.

(OPT) UNDERLINING THE COMPLEXITY OF THIS ISSUE ON ANOTHER LEVEL--THE POLITICAL--IS AN ATTACK AGAINST THE SOVIET UNION BY COMMUNIST CHINA'S PRESS ORGANS. REPORTS FROM PEKING SAY THE PEOPLE'S DAILY AND THE NEW CHINA NEWS AGENCY HAVE ISSUED A SERIES OF THREE ARTICLES ACCUSING MOSCOW OF REVERSING ITS STAND IN FAVOR OF A TWO-HUNDRED MILE ECONOMIC SEA ZONE, OF VIOLATING EXISTING MARITIME LAW BY SENDING AN AIRCRAFT CARRIER THROUGH THE DARDANELLES AND BOSPHORUS STRAITS, AND OF LUSTING FOR DOMINATION OF THE WORLD'S SEAS. (END OPT)

IT IS AGAINST THIS BACKGROUND OF POLITICAL AND ECONOMIC CONTROVERSY THAT SECRETARY OF STATE KISSINGER WILL TRY TO USE HIS CONSIDERABLE POWERS OF PERSUASION IN AN EFFORT TO BRING THE LAW OF THE SEA CONFERENCE BACK TO SOME SEMBLANCE OF POSITIVE, CONSTRUCTIVE WORK. FOR, AS HE SAID RECENTLY, WASHINGTON CONSIDERS THE CONFERENCE POTENTIALLY THE MOST VITAL DIPLOMATIC NEGOTIATION OF OUR TIMES. IN A STATEMENT TO THE AMERICAN DELEGATION EARLIER THIS MONTH (AUGUST 13), SECRETARY KISSINGER NOTED THAT THE CONFERENCE HAD MADE CONSIDERABLE PROGRESS--BUT THAT MUCH MORE WAS NECESSARY IN THE TIME LEFT. "WE MUST ACKNOWLEDGE," HE SAID,

"THAT FORWARD MOVEMENT HAS BEEN ACCOMPANIED BY INCREASING TENDENCIES IN MANY NATIONS TOWARDS UNILATERAL ACTIONS THAT WILL MAKE THE TASK BEFORE US MORE AND MORE DIFFICULT." NEVERTHELESS, HE ADDED, "IT IS IMPERATIVE THAT THIS SESSION MAKE SIGNIFICANT PROGRESS...OUR OBJECTIVE IS TO MAKE POSSIBLE A FINAL SESSION EARLY NEXT YEAR TO COMPLETE AGREEMENT ON THE TEXT OF THE LAW OF THE SEA CONVENTION." IT IS WITH THAT AIM THAT SECRETARY KISSINGER WILL TRAVEL TO NEW YORK NEXT WEEK.

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